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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/723,565

Filing Date 11/25/2003

First Named Inventor Hogendijk

Art Unit 3731

Examiner Name Unassigned

Attorney Docket Number MH-001 CIP

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Return Receipt Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD | |
| <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Luce, Forward, Hamilton & Scripps LLP		
Signature			
Printed name	David E. Heisey		
Date	10-26-2004	Reg. No.	42,651

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Leigh A. Coleman	Date	10-26-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFW/DAE

Atty. Docket No.: MH-001 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 9946
Michael Hogendijk)	
Serial No.:)	Group Art Unit: 3731
10/723,565)	
Filed: November 25, 2003)	
For: VASCULAR PROSTHESIS)	
INCLUDING TORSIONAL)	
STABILIZER AND METHODS)	
OF USE)	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181 (a)

Applicant hereby submits a petition to withdraw holding of abandonment based on failure to receive office action in accordance with 37 CFR § 1.181 (a) and MPEP 711.03 (c) II.

Applicant notes that a Notice of Abandonment has not been received to date. Upon receiving the courtesy copy of the Notice of Missing Parts originally dated March 5, 2004 and further sent on October 7, 2004, the maximum time for prosecuting an application under 35 U.S.C. § 133 had been exceeded and therefore the application has gone abandoned according to statutory law.

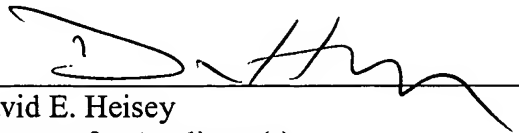
On September 20, 2004, Applicant submitted a status inquiry in the United States Patent Office due to a lack of a communication subsequent to the filing of the patent application on November 25, 2003. In response, on October 7, 2004, the United States Patent Office mailed a courtesy copy of the Notice of Missing Parts of Nonprovisional Application. Applicant respectfully submits upon searching the file jacket and docket record, that the original Notice was not timely received during March 2004. Applicant encloses a copy of the docket record reflecting the report where the nonreceived Office communication would have been entered.

Applicant requests upon any favorable action of this petition, that the enclosed Declaration/Power of Attorney be made of record.

Applicant believes there are no fees due at this time. In the event that a fee is required, please charge our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP.

Respectfully submitted,

10-22-2004
Date



David E. Heisey
Attorney for Applicant(s)
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Country Application

Thursday, October 21, 2004

Page: 1

Case Number: 31530-1020	Country: US	SubCase:
Client: NovoStent Corporation	United States of America	
Case Type: CIP	Application Status: Pending	
Application Number: 10/723,565	Filing Date: 25-Nov-2003	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date :	
Parent Issue Number:	Parent Issue Date :	
Tax Schedule: LE	Expiration Date:	
Confirmation #:	Patent Term Adjustment: 0	
Agent:	Agent Reference #:	

Family Reference:

Remarks: File Intake: 11-25-2003

List Of Actions

Action(s) Due	Due Date	Action Taken
Information Disclosure Stmtnt	25-Feb-2004	Due Date
Status Inquiry filed	20-Sep-2004	Due Date 20-Sep-2004
Foreign Filing Due-new claims	25-Nov-2004	Final
1 Mo. to FF- all claims	13-Dec-2004	Reminder
Application Status Check	25-May-2005	Due Date

User ID: srh

Date Created: 25-Nov-2003

Last Update: 29-Jan-2004

Country Applications

File Edit View Insert Format Records Tools Window Help

New Copy Search Save Print Delete Undo Exit

Case Number: 31530-1020 Country: US Sub Case:

Client Name: NovoStent Corporation United States of America

Case Info Remarks Actions Assignments Letters Costs Designation/Family Images/Links Web Links

Display: Outstanding Actions Only All Actions

S Action (1) Due	Due Date	Indicator	Action Taken
<input checked="" type="checkbox"/> Information Disclosure Stmt	25 Feb-2004	Due Date	<input type="checkbox"/>
<input checked="" type="checkbox"/> Status Inquiry filed	20 Sep-2004	Due Date	20-Sep-2004 <input type="checkbox"/>
<input checked="" type="checkbox"/> Foreign Filing Dun now claims	25 Nov-2004	Final	<input type="checkbox"/>
<input checked="" type="checkbox"/> 1 Mo. to FF- all claims	13 Dec-2004	Reminder	<input type="checkbox"/>
<input checked="" type="checkbox"/> Application Status Check	25 May-2005	Due Date	<input type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>

Records: 14 of 1

User ID: ash Date Created: 25-Nov-2003 Last Update: 29 Jan-2004

Go To: Invention Generate Letter

Records: 14 of 1

Form View FLTR NUM 4:23 PM Thursday



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/723,565	11/25/2003	Michael Hogendijk	MH-001 CIP

David E. Heisey, Esq.
 Luce, Forward, Hamilton & Scripps LLP
 11988 El Camino Real, Suite 200
 San Diego, CA 92130

CONFIRMATION NO. 9946

RESEND COVER LETTER



OC000000014024212

Date Mailed: 10/07/2004

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 03/05/2004 is enclosed. The time period for reply continues to run from the mail date of that Notice.

RECEIVED-LFH&S

OCT 12 2004

TECH & IP DEPT

*A copy of this notice **MUST** be returned with the reply.*

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/723,565	11/25/2003	Michael Hogendijk	MH-001 CIP

CONFIRMATION NO. 9946

FORMALITIES LETTER



OC000000012036483

David E. Heisey, Esq.
 Luce, Forward, Hamilton & Scripps LLP
 11988 El Camino Real, Suite 200
 San Diego, CA 92130

Date Mailed: 03/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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